

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JOHN HANCOCK LIFE INSURANCE )  
COMPANY, JOHN HANCOCK )  
VARIABLE LIFE INSURANCE )  
COMPANY, and MANULIFE )  
INSURANCE COMPANY (f/k/a )  
INVESTORS PARTNER LIFE )  
INSURANCE COMPANY), )

*Plaintiffs,*

v.

ABBOTT LABORATORIES, )  
 )  
*Defendant.* )

Civil Action No. 05-11150-DPW

**ABBOTT LABORATORIES' MOTION TO STRIKE UNTIMELY ALLEGATIONS IN  
THE SECOND AMENDED SUPPLEMENTAL COMPLAINT**

Defendant Abbott Laboratories (“Abbott”) hereby moves to strike the four substantively new untimely allegations in the Second Amended Supplemental Complaint of Plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Manulife Insurance Company (f/k/a Investors Partner Life Insurance) (collectively, “Hancock”). Specifically, Abbott moves to strike the new allegations in ¶¶ 25(b), 28, 28(f), 31(b) and 31(c), not the other additions to the complaint that merely provide greater detail regarding existing allegations.

Abbott seeks to strike allegations in the Second Amended Complaint that Hancock is seeking to add several months after the factual and expert discovery deadlines and only three months before trial. Hancock has known of the facts underlying its new allegations for years from documents produced by Abbott and unduly delayed in seeking to amend its complaint.

Despite its knowledge of the facts, Hancock did not supplement its interrogatory responses or provide any other adequate notice to Abbott of its new misrepresentation allegations until after the discovery cutoff and only four days before the deadline for dispositive motions.

In support of this Motion, Abbott relies upon the accompanying (a) Memorandum of Abbott Laboratories in Support of the Motion to Strike Untimely Allegations in the Second Amended Supplemental Complaint, and (b) the Affidavit of Eric Lorenzini and accompanying exhibits, both of which are being filed contemporaneously herewith.

WHEREFORE, Abbott respectfully requests that this Court grant Abbott's Motion to Strike Untimely Allegations in the Second Amended Supplemental Complaint, and grant such further relief as this Court deems just and appropriate.

Dated: November 29, 2007

Respectfully submitted,

ABBOTT LABORATORIES

By: /s/ Michael S. D'Orsi  
Michael S. D'Orsi

One of its attorneys

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*Counsel for Abbott Laboratories*

**LOCAL RULE 7.1 AND 37.1 CERTIFICATION**

The undersigned hereby certifies that Abbott counsel has conferred with counsel for Hancock and attempted in good faith to resolve or narrow the issues presented by this Motion.

Date: November 29, 2007

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/s/ Michael S. D'Orsi

Michael S. D'Orsi

**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 29, 2007.

Date: November 29, 2007.

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/s/ Michael S. D'Orsi

Michael S. D'Orsi